

**VIRGINIA BOARD OF NURSING
SPECIAL CONFERENCE COMMITTEE
August 17, 2011**

TIME AND PLACE: The meeting of the Special Conference Committee of the Board of Nursing was convened at 9:00 A.M., on August 17, 2011 in Board Room 3, Suite 201, Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia.

MEMBERS PRESENT: Joyce A. Hahn, PhD, APRN, NEA-BC; Chairperson
William Traynham, LPN

STAFF PRESENT: Brenda Krohn, RN, MS, Deputy Executive Director

OTHERS PRESENT: James Rutkowski, Adjudication Specialist

**CONFERENCES
SCHEDULED:** **Lakesia Toler, CNA 1401-114957; LPN Applicant**
Ms. Toler appeared, accompanied by attorney, Darren Shoen; her mother and sister.

CLOSED MEETING: Mr. Traynham moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 9:45 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Toler. Additionally, Mr. Traynham moved that Ms. Krohn and Mr. Rutkowski attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 9:59 A.M.

Mr. Traynham moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

ACTION: Mr. Traynham moved to issue an order of reprimand to Lakesia Toler and to issue an order to approve Ms. Toler's application to take the NCLEX-PN examination and issue an unrestricted license upon successful completion of the NCLEX-PN.
The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. Toler unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Toler within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES

SCHEDULED:

Patricia Fitzgerald, RMA Applicant

Ms. Fitzgerald appeared.

CLOSED MEETING:

Mr. Traynham moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 10:35 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Fitzgerald. Additionally, Mr. Traynham moved that Ms. Krohn and Mr. Rutkowski attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 10:43 A.M.

Mr. Traynham moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION:

Mr. Traynham moved to issue an order to approve Patricia Fitzgerald's application to take the medication aide examination for registration as a medication aide in Virginia and issue an unrestricted registration upon successful completion of the medication aide exam.

The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. Fitzgerald unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Fitzgerald within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES

SCHEDULED:

Kyle Bednarcik, RMA Applicant

Mr. Bednarcik appeared, accompanied by Charlotte Kaiser, Assisted Living Facility Administrator.

CLOSED MEETING:

Mr. Traynham moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 11:01 A.M. for the purpose of deliberation to reach a decision in the matter of Mr. Bednarcik. Additionally, Mr. Traynham moved that Ms. Krohn and Mr. Rutkowski attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 11:08 A.M.

Mr. Traynham moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

ACTION:

Mr. Traynham moved to issue an order of reprimand to Kyle Bednarcik and to issue an order to approve his application to take the medication aide examination for registration as a medication aide and issue an unrestricted registration upon successful completion of the medication aide exam. The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such order on Mr. Bednarcik unless a written request to the Board for a formal hearing on the allegations made against him is received from Mr. Bednarcik within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

**CONFERENCES
SCHEDULED:**

Tabitha Nelson, RMA Applicant

Ms. Nelson appeared, accompanied by her husband, Isaac Nelson.

CLOSED MEETING:

Mr. Traynham moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 11:28 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Nelson. Additionally, Mr. Traynham moved that Ms. Krohn and Mr. Rutkowski attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 11:35 A.M.

Mr. Traynham moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

ACTION:

Mr. Traynham moved to issue an order of reprimand to Tabitha Nelson and to issue an order to approve her application to take the medication aide examination for registration as a medication aide and issue an unrestricted registration upon successful completion of the medication aide exam. The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. Nelson unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Nelson within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES

SCHEDULED:

Sylvia Foster, CNA Reinstatement Applicant 1401-058651

Ms. Foster did not appear.

CLOSED MEETING:

Mr. Traynham moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 11:39 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Foster. Additionally, Mr. Traynham moved that Ms. Krohn and Mr. Rutkowski attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 11:41 A.M.

Mr. Traynham moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION:

Mr. Traynham moved to issue an order to deny Sylvia Foster's petition for reinstatement of her certificate to practice as a nurse aide in Virginia.

The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. Foster unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Foster within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES

SCHEDULED:

Patricia McNulty, RN Applicant

Ms. McNulty appeared.

CLOSED MEETING:

Mr. Traynham moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 1:29 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. McNulty. Additionally, Mr. Traynham moved that Ms. Krohn and Mr. Rutkowski attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 1:43 P.M.

Mr. Traynham moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION:

Mr. Traynham moved to issue an order to reinstate the license of Patricia McNulty to practice as a registered nurse with a valid in Virginia only license contingent upon verification of Ms. McNulty's entry into the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. McNulty unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. McNulty within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES

SCHEDULED:

Jacke Fiddler, LPN 0002-037033

Ms. Fiddle did not appear.

CLOSED MEETING:

Mr. Traynham moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 1:48 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Fiddler. Additionally, Mr. Traynham moved that Ms. Krohn and Mr. Rutkowski attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 1:55 P.M.

Mr. Traynham moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION:

Mr. Traynham moved to issue an order of reprimand to Jacke Fiddler and further order a monetary penalty of \$250.00. The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. Fiddler unless a written

request to the Board for a formal hearing on the allegations made against her is received from Ms. Fiddler within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES

SCHEDULED:

Shemeka Jennings, CNA 1401-140404

Ms. Jennings did not appear.

CLOSED MEETING:

Mr. Traynham moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 2:00 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Jennings. Additionally, Mr. Traynham moved that Ms. Krohn and Mr. Rutkowski attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 2:05 P.M.

Mr. Traynham moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION:

Mr. Traynham moved to offer Shemeka Jennings a consent order for revocation of her nurse aide certificate with a finding of abuse in lieu of a formal hearing. The motion was seconded and carried unanimously.

This Consent Order shall be effective upon endorsement of its findings, conclusions, and terms of consent by both Ms. Jennings and the Board.

CONFERENCES

SCHEDULED:

Barbara Clark, RMA Applicant

Ms. Clark did not appear.

CLOSED MEETING:

Mr. Traynham moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 2:10 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Clark. Additionally, Mr. Traynham moved that Ms. Krohn and Mr. Rutkowski attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 2:15 P.M.

Mr. Traynham moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters

lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

ACTION:

Mr. Traynham moved to issue an order to deny Barbara Clark's application to take the medication aide examination for registration as a medication aide in Virginia. The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. Clark unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Clark within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

**CONFERENCES
SCHEDULED:**

Bernard Carpenter, CNA Applicant
Mr. Carpenter did not appear.

CLOSED MEETING:

Mr. Traynham moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 2:30 P.M. for the purpose of deliberation to reach a decision in the matter of Mr. Carpenter. Additionally, Mr. Traynham moved that Ms. Krohn and Mr. Rutkowski attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 2:35 P.M.

Mr. Traynham moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

ACTION:

Mr. Traynham moved to issue an order to deny Bernard Carpenter's application to take the NNAAP examination for certification as a nurse aide in Virginia. The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such order on Mr. Carpenter unless a written request to the Board for a formal hearing on the allegations made against him is received from Mr. Carpenter within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

ADJOURNMENT:

The Board adjourned at 2:38 P.M.

Brenda Krohn, R.N., M.S.
Deputy Executive Director

**VIRGINIA BOARD OF NURSING
SPECIAL CONFERENCE COMMITTEE
August 17, 2011**

TIME AND PLACE: The meeting of the Special Conference Committee of the Board of Nursing was convened at 11:30 A.M. on August 17, 2011 in Board Room 1, Suite 201, Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia.

MEMBERS PRESENT: Joyce A. Hahn, PhD, APRN, NEA-BC; Chairperson
William Traynham, LPN

STAFF PRESENT: Linda Kleiner, RN, Discipline Case Manager
Jane Elliott, RN, PhD, Discipline Staff
Brenda Krohn, RN, MS, Deputy Executive Director

PRESENTED FOR CLOSURE/ADVICE:

CLOSED MEETING: Mr. Traynham moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 11:30 A.M. for the purpose of deliberation regarding case disposition. Additionally, Mr. Traynham moved Ms. Krohn, Ms. Kleiner and Dr. Elliott attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 11:50 A.M.

Mr. Traynham moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Investigative reports regarding two registered nurses and one practical nurse were reviewed.

ACTION: Dr. Hahn moved to offer two of the above individuals a prehearing consent order in lieu of further administrative proceedings. The motion was seconded and carried unanimously.

Dr. Hahn moved that one of the above individuals should be scheduled for an informal conference. The motion was seconded and carried unanimously.

ADJOURNMENT: The Committee adjourned at 11:50 A.M.

Linda Kleiner, R.N.
Discipline Case Manager